



Austin City Council MINUTES

REGULAR MEETING
THURSDAY, JANUARY 15, 1998

Mayor Watson called the meeting to order noting the presence of all Councilmembers.

1. Approval of Minutes for Special Called Meeting of November 25, 1997; and Regular Meetings of December 17 & 18, 1997; and January 7 & 8, 1998.
Approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 5-0 vote, Councilmembers Lewis and Spelman off the dais.

CITIZEN COMMUNICATIONS: GENERAL

2. John McMillan, to request that the City Council sponsor a new Austin 2000 long-term planning study.
3. Frank Buffet, to discuss computer factories with no where to expand (due to 97% apartment occupancy).
Absent
4. Gus Pena, to discuss APD and community issues.
5. Robert Donley, to discuss neighborhood issues.
6. Charles Waits, to acknowledge environmentalists and their wonderfulness.
7. Gavino Fernandez, to discuss the neighborhood plan process and insult to East Austin.
8. Richard Troxell, to discuss homeless issues in Austin.
9. Ed Blakely to discuss lean beef.

READING OF CONSENT AGENDA

READING OF DISCUSSION AGENDA

CITIZEN COMMUNICATIONS: CONSENT AGENDA

ACTION ON CONSENT AGENDA

2:00 P.M. - BONDS

10. Approve an ordinance authorizing the Letter of Credit and Reimbursement Agreement and amendments to ordinance 950817-B authorizing the issuance of \$28,000,000 City of Austin, Texas, Airport System Variance Rate Revenue Notes, Series A, and authorize amendments to the Bond Purchase Agreement and Tender Agreement and approve the Official Statement subject to modifications and changes as approved by the City Manager and other related documents. (\$797,222 estimated debt service requirement for the proposed note sale is provided through Capitalized interest.)
Postponed
11. Approve an ordinance authorizing the issuance of approximately \$86,210,000 City of Austin Texas, Public Improvement Refunding Bonds, Series 1998, including approval and authorization of a Purchase Contract, Escrow Agreement, Paying Agent/Registrar Agreement, and Official Statement pertaining thereto. (\$4,907,278 is the estimated debt service requirement in FY 1997-98 and is provided in the 1997-98 approved budget of the General Obligation Debt Service Fund.) [Reviewed by Audit & Finance Committee]
Ordinance No. 980115-A approved on Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Police

12. Approve a resolution authorizing acceptance of \$59,989 in first year grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act (VOCA) Fund, to implement a grant program to provide services to victims of family violence and stalking; amend Ordinance No. 970917-A, the 1997-98 Operating Budget, amending the Police Department Special Revenue Fund by increasing grant funding and grant expenditures by \$59,989 and adding two regular full-time equivalent victim counselor positions. (Funding is for the grant period of October 1, 1997 through June 30, 1998. An in-kind match of \$27,921 is required and represents existing salary costs approved in the 1997-98 Operating Budget of the Police Department, Victims Services Program.)
Ordinance No. 980115-J approved
13. Approve a resolution authorizing execution of a twelve month supply agreement with NEW YORK CLOTHIERS & LOOM, Waco, Texas, for the purchase of uniform police trousers and shirts, in an amount not to exceed \$145,307.45, with two twelve month extension options in an amount not to exceed \$183,307.45 per extension, for a total contract amount not to exceed \$511,922.35. (Funding in the amount of \$96,871.36 was included in the 1997-98 Operating Budget of the Police Department. Police Department will be charged appropriately as it withdraws from the clothing storeroom inventory. Funding for the remaining four months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid of eight meeting specifications. No M/WBE Subcontracting opportunities were identified. **Resolution No. 980115-13 Approved**

Library

14. Approve a resolution authorizing execution of a 12 month supply agreement with BAKER AND TAYLOR BOOKS, Charlotte, North Carolina, for the purchase of adult and juvenile books for the 66 member libraries of the Central Texas Library System, in an amount not to exceed \$500,000 with two twelve month extension options, in an amount not to exceed \$500,000 per extension, for a total contract amount not to exceed \$1,500,000. (Funding in the amount of \$244,500 was included in the 1997-98 Special Revenue Fund for the Library Department; \$36,019 was included in the 1997-98 Operating Budget of the Library Department; \$96,050 was included in the 1996-97 Capital Budget of the Library Department and \$43,025 was included in the 1997-98 Capital Budget of the Library Department. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Best discount of two. No M/WBE/WBE Subcontracting opportunities were identified.
Resolution No. 980115-14 approved

Financial Services

15. Approve a resolution authorizing execution of a twelve month service agreement with HARMONY CONSTRUCTION, Austin, Texas, for interior and exterior maintenance painting and related services for city-owned facilities, in an amount not to exceed \$120,000, with two 12 month extension options in an amount not to exceed \$120,000 per extension, for a total contract amount not to exceed \$360,000. (Funding in the amount of \$90,000 was included in the 1997-98 Operating Budget for the Building Services Division of Finance and Administrative Services; funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three. No M/WBE Subcontracting opportunities were identified.
Resolution No. 980115-15 approved
16. Approve a resolution authorizing ratification of \$129,420.12 in expenditures for three months of service, and approve extension of a nine month service agreement with IBM CORPORATION, Austin, Texas, for the purchase of licensing and maintenance of IBM mainframe software and hardware for the Information Systems Office, in an amount not to exceed \$378,915.48, with options to extend for three additional twelve month extensions in amounts not to exceed \$527,549.44, \$569,927.31 and \$605,001.47 respectively, for a total contract amount not to exceed \$2,210,813.82 (Funding in the amount of \$212, 347.56 was included in the 1997-98 Operating Budget of the Information Systems Office of Finance and Administrative Services, and \$174,207 was included in the 1997-98 Operating Budget of the Police Department. Funding for the extension options will be contingent upon available funding in future budgets.) Sole Source. No M/WBE Subcontracting opportunities were identified.
Resolution No. 980115-16 approved
17. Approve a resolution authorizing a contract extension with Public Financial Management, Inc., to provide financial advisory services for one year, with two one-year extensions. (No fiscal impact.) [Reviewed by the Audit & Finance Committee.]
Resolution No. 980115-17 approved

Parks

- 18 Approve execution of a construction contract with DECO SYSTEMS, Austin, Texas, for construction of accessibility improvements at the Dottie Jordan Recreation Center, in an amount not to exceed \$220,185. (Funding was included in the 1997-98 Capital Budget of the Parks and Recreation Department.) Low responsive bid of eight. 26.46% MBE, 2.59% WBE Subcontractor participation.
Approved

Public Works and Transportation

- 19 Approve an ordinance amending the City Code by modifying the Basic Traffic Ordinance, Section 16-4-4(D), Speed Limits, for the installation of a 20 mph Reduced Speed School Zone on Kerbey Lane, for the protection of students attending Brykerwoods Elementary School. (Funding in the amount of \$500 for the installation of signs and markings was included in the 1997-98 Operating Budget of the Child Safety Fund, Department of Public Works and Transportation.)
Ordinance No. 980115-B approved

Items 12 through 19 approved on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

- 20 Approve a resolution authorizing execution of a construction contract with AUSTIN BRIDGE AND ROAD, INC., Austin, Texas, for street reconstruction, water line and storm sewer replacement on Martin Luther King Jr., Blvd., from Pearl Street to Guadalupe Street and San Jacinto Street to I.H. 35, in the amount of \$2,483,416.50 plus \$248,341.65 to be used as a contingency fund for change orders, for a total contract amount not to exceed \$2,731,758.15. (Funding in the amount of \$1,416,404.55 is included in the 1996-97 and 1997-98 amended Capital Budget of the Public Works and Transportation Department; \$1,180,389.10 is included in the 1991-92 amended Capital Budget of the Water and Wastewater Utility; \$7,480 is included in the 1997-98 Capital Budget for the Electric Utility; \$127,484.50 is included in the 1997-98 Capital Budget of the Drainage Utility.) Low bid of three. 23.86% MBE, 43.88% WBE Subcontractor participation. (Recommended by Electric Utility Commission and Water and Wastewater Commission).
Postponed one week

21. Approve a resolution authorizing negotiation and execution of an amendment to the Professional Services Agreement with DANNENBAUM ENGINEERING CORPORATION, Austin, Texas, for additional Phase I (preliminary engineering) services for the U.S. 183 at R.M. 620 Area Water and Wastewater Service Improvements Project, in an amount not to exceed \$39,500, for a total amount not to exceed \$266,734. (Funding was included in the 1991-92 Capital Budget for the Water and Wastewater Utility.) No M/WBE Subcontracting opportunities were identified. (Recommended by Water and Wastewater Commission)
Resolution No. 980115-21 approved

22. Approve an ordinance authorizing execution of a contract with the TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) to continue to conduct a Congestion Monitoring and Analysis project which was approved by the Austin Transportation Study Policy Advisory Committee, in the amount of \$45,000; and amend the 1997-98 Public Works and Transportation Special Revenue Fund by appropriating an additional \$9,000, for a project total of \$45,000. (Funding in the amount of \$9,000 is provided from the U.S. Department of Transportation STP 4C pass-through funds from the Texas Department of Transportation; \$36,000 was approved in the 1997-98 Special Revenue Fund Budget.)
Ordinance No. 980115-C approved

Items 21 and 22 approved on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

Development Review

23. Approve an ordinance to authorize entering into Land Development Agreements with the Lake Travis Independent School District and the Manor Independent School District in accordance with Section 212.902 of the Local Government Code and Section 13-2-620 of the Land Development Code.
Postponed one week to January 22, 1998 by Council
24. C14-97-0059 - Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 13900 North FM 620, from "DR", Development Reserve to "GR-CO", Community Commercial-Conditional Overlay zoning with conditions. First reading on September 4, 1997; Vote 5-0, Griffith and Spelman off the dais. Second reading on December 11, 1997; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at second reading. Applicant: Poll, Brown & Associates (William B. Poll); Agent: Early Services, Inc. (Tim Early). City Staff: David Wahlgren, 499-6455. (continued from 12/18/97)
Ordinance No. 980115-H approved without conditional overlay of 25%, on Councilmember Spelman's motion, Councilmember Slusher's second, 7-0 vote.
25. C14-97-0098 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as Bluegrass Drive and Bluffstone Lane (formerly Forsythia Drive), from "SF-6", Townhouse and Condominium Residence to "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay zoning with conditions. First reading on October 23, 1997; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: City of Austin; Agent: Development Review and Inspections Department. City Staff: Craig Alter, 499-2769.
Ordinance No. 980115-D approved
26. C14-97-0099 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as 8605-8707 Bluegrass Drive, from "SF-6", Townhouse and Condominium Residence to "SF-2-CO", Single Family Residence (standard lot)-Conditional Overlay zoning with conditions. First reading on October 23, 1997; Vote 7-0.

Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: City of Austin; Agent: Development Review and Inspections Department. City Staff: Craig Alter, 499-2769.

Ordinance No. 980115-E approved

27. C14-97-0100 - Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code by rezoning property locally known as North Capital of Texas Highway and Bluffstone Lane (formerly Forsythia Drive), from "LO", Limited Office, "DR", Development Reserve, and "SF-2", Single Family Residence (standard lot) to "GR-CO", Community Commercial-Conditional Overlay zoning and "RR", Rural Residence District zoning with conditions. First reading on October 23, 1997; Vote 7-0. Conditions met as follows: Conditional overlay incorporates conditions imposed by Council at first reading. Applicant: City of Austin; Agent: Development Review and Inspections Department. City Staff: Craig Alter, 499-2769.
Ordinance No. 980115-F approved

ITEMS FROM COUNCIL

28. Approve a resolution requesting that the U.S. Congress consider and schedule a Congressional vote on H.R. 856 the "United States-Puerto Rico Political Status Act" that would provide the people of Puerto Rico the opportunity to choose their future political status. (Mayor Pro Tem Gus Garcia and Councilmember Willie Lewis)
Resolution No. 980115-28 approved
29. Approve a resolution directing the City manager to develop a plan to facilitate the repair of certain railroad crossings. (Councilmember Willie Lewis)
Resolution No. 980115-29 approved
30. Approve creation of a City Council Land Development Code Subcommittee. (Mayor Kirk Watson and Councilmember Daryl Slusher)
Approved with Mayor Watson, Councilmembers Slusher and Goodman to serve on the subcommittee.

Items 25 through 30 approved on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

31. Amend the Ordinance that provides rules for the conduct of City Council meetings. (Mayor Kirk Watson and Councilmember Daryl Slusher)
Postponed
32. Approve a resolution directing the City Manager to cause to occur the development and implementation of a flexible master plan necessary to develop a realistic, yet inspiring vision for the downtown Waller Creek corridor. (Councilmembers Beverly Griffith and Willie Lewis, and Mayor Pro Tem Gus Garcia)
Resolution No. 980115-32 approved with friendly amendment by Councilmember Griffith to change to 90 days instead of 120 days, and direction to City Manager that this item works in conjunction

with previous master planning on Councilmember Griffith's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

4:30 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

33. C14-97-0127 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as Frontier Valley Drive and East Riverside Drive from "SF-3", Family Residence to "MH", Mobile Home Residence. Planning Commission Recommendation: To Grant "MH-CO", Mobile Home Residence-Conditional Overlay zoning with conditions. Applicant: Hetherly Investment (C.W. Hetherly, Sr.); Agent: Dick Lillie and Associates (Richard Lillie). City Staff: Ivan Naranjo, 499-2724. (continued from 12/11/97)
Postponed to February 12, 1998
34. C14H-97-0005 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 1000 East 8th Street from "SF-3", Family Residence to "SF-3-H", Family Residence-Historic. Planning Commission Recommendation: To Grant "SF-3-H", Family Residence-Historic zoning. Applicant: City of Austin-Development Review and Inspections Department. City Staff: George Zapalac, 499-2725.
Approved Planning Commission recommendation, first reading only
35. C14H-97-0007 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 105 West 33rd Street from "SF-3", Family Residence to "SF-3-H", Family Residence-Historic. Planning Commission Recommendation: To Grant "SF-3-H", Family Residence-Historic zoning. Applicant: Roger A. & Christie Binkley. City Staff: George Zapalac, 499-2725.
Approved Planning Commission recommendation first reading only
36. C14R-85-020 - Public hearing to amend Chapter 13-2 of the Austin City Code by terminating a restrictive covenant for property locally known as 5401-5515 East Riverside Drive. Existing zoning "IP", Industrial Park and "LO", Limited Office. Planning Commission Recommendation: To Approve the request to terminate restrictive covenant. Applicant: Cera Partnership (Robert Fontana); Agent: Del Valle Independent School. City Staff: Deborah Reyes, 499-6369.
Postponed to January 22, 1998, applicant's first request
37. C14-97-0137 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 8801, 8901 & 9001 Tuscany Way from "W/LO", Warehouse/Limited Office to "LI", Limited Industrial Services. Planning Commission Recommendation: To Grant "LI", Limited Industrial Services zoning for the northern two tracts, and "W/LO", Warehouse/Limited Office zoning for the southern two tracts with conditions. Applicant: MV Walnut Creek, Ltd. (Stephen A. Phyr); Agent: The Faust Group (Bill Faust). City Staff: Don Perryman, 499-2786.
Postponed to February 26, 1998, applicant's first request
38. C14-97-0138 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 5300 George Street from "MF-1", Multifamily Residence (limited density) and "SF-3" Family Residence to "SF-4A", Single Family Residence (small lot). Planning Commission

Recommendation: To Grant "SF-4A-CO", Single Family Residence (small lot)-Conditional Overlay zoning for Tract 1 and "RR", Rural Residence zoning for Tract 2 with conditions. Applicant: AFFORDAMERICA, INC. (Rick Parke); Agent: Prossner & Associates (Kurt M. Prossner). City Staff: Deborah Reyes, 499-6369.

Approve Planning Commission recommendation, first reading only

39. C14-97-0140 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 9600 North IH-35 Service Road from "SF-2", Single Family Residence (standard lot) to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay zoning with conditions. Applicant: Austin IH-35 Automotive (Kammy Ovisi); Agent: Dick Lillie & Associates (Richard Lillie). City Staff: Don Perryman, 499-2786.

Ordinance No. 980115-I approved Planning Commission recommendation

40. C14-97-0142 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 9519 US Hwy. 290 East from "DR", Development Reserve to "CS", General Commercial Services. Planning Commission Recommendation: To Grant "CS-CO", General Commercial Services-Conditional Overlay zoning with conditions. Applicant: Paul and Helen Klaener; Agent: Raymond Raschke. City Staff: Ivan Naranjo, 499-2724.

Approved Planning Commission recommendation, first reading only

41. C14-97-0152 - Public hearing to amend Chapter 13-2 of the Austin City Code by zoning property locally known as 310 to 312 West Oltorf Street from "SF-3", Family Residence to "NO", Neighborhood Office. Planning Commission Recommendation: To Grant "NO", Neighborhood Office zoning. Applicant: City of Austin-Development Review and Inspections Department. City Staff: Ivan Naranjo, 499-2724.

Approved Planning Commission recommendation, first reading only

Items 33 through 41 approved on Councilmember Lewis' motion, Councilmember Spelman's second, 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

On question to include staff briefing on item 42 in executive session, approved 5-0 vote, Councilmembers Spelman and Goodman off the dais.

Executive session held at 12:20 p.m. to 1:56 p.m. on items listed below.

Executive session held at 3:00 p.m. to 10:45 p.m.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Staff Briefing - Section 551.075

42. Staff briefing on status of airline negotiations and discussions with the FAA on the closure of Robert Mueller Municipal Airport.

Private Consultation with Attorney - Section 551.071

43. Discuss legal issues relating to annexation.
44. Discuss City of Austin v. LTSTE Corporation, et al., Cause No. 98-00207, Judicial District Court of Travis County, Texas.
45. Discuss City of Austin v. Horse Thief Hollow Ranch, Ltd., et al., Cause No. 9800248, Travis County District Court.
46. Discuss IBC Partners, Ltd., et al v. City of Austin, Cause No. 97-05393, District Court of Travis County.
47. Discuss Barton-Springs Edwards Aquifer Conservation District v. City of Austin; Cause No. 9601851, District Court of Travis County.
48. Discuss Southwestern Bell rate case.

Real Estate - Section 551.075

49. Discuss potential acquisition of property for parks and recreation purposes.
50. Discuss Possible Lease of City-Owned Downtown Property

Personnel Matters - Section 551.074

51. Discuss performance evaluation, benefits and compensation of City Council appointees: City Manager, City Clerk and City Auditor.

ACTION ON EXECUTIVE SESSION

52. Approve a resolution authorizing the execution of a memorandum of understanding with the Federal Aviation Administration concerning the closure and disposition of Robert Mueller Municipal Airport.
Pulled
53. Approve benefits and compensation package for City Council appointees: City Manager, City Clerk and City Auditor.
Motion to approve City Auditor's performance evaluation, benefits and compensation package with

a 3.5% meets expectations pay increase on Mayor Pro Tem Garcia's motion, Councilmember Spelman's second, 7-0 vote, Mayor Pro Tem Garcia voting "NO".

Motion to approve 3.5% pay increase for City Manager on "meets expectations" evaluation, on Councilmember Slusher's motion, Councilmember Griffith's second

Substitute motion to approve 4.4% pay increase for City Manager on "exceeds expectations" evaluation on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 3-4 vote,, Councilmembers Griffith, Slusher, Spelman and Lewis voting "NO".

Main motion for 3.5% pay increase for City Manager approved on Councilmember Slusher's motion, Councilmember Griffith's second, 6-1 vote, Mayor Pro Tem Garcia voting "NO".

54. APPOINTMENTS

Annexation Transition Team - JANE COPELAND, ED GARCIA, FRANCIS BETTS, DIANA RAMIREZ, DIANE SPENCER, MICHAEL SCHILLER, PAUL VELEZ, DARREL WILSON, REED RINN, EVELYN YOUNG, WILLIAM KELLER, SHIRLEY JONES, ROBERT GREENWOOD.
Citizens Bond Committee - JOHN LIMON, BLANCA GARCIA, BETTY BROWN, FRANCIS BETTS.
Approved on Councilmember Slusher's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

ADDENDUM

JANUARY 15, 1998

ITEMS FROM COUNCIL

55. Approve an Ordinance waiving the interim zoning classification requirement of section 13-2-26 of the City code for approximately 64.08 acres out of the Walker Wilson Survey No. 2, Abstract No. 27 in Travis County, Texas; establishing an interim zoning classification of Interim Single Family 2 District for the property; and declaring an emergency. (Councilmember Jackie Goodman and Mayor Pro Tem Gus Garcia)
Ordinance No. 980115-G approved on Councilmember Goodman's motion, Mayor Pro Tem Garcia's second, 7-0 vote.

NOTE: The above items will be considered under their respective category, but follow the last number on the Austin, Texas, City Council Agenda for January 15, 1998.

ADJOURNED at 11:00 p.m. on Mayor Pro Tem Garcia's motion, Councilmember Slusher's second, 7-0 vote.

Approved on this the 12th day of March, 1998 on Councilmember Lewis' motion, Mayor Pro Tem Garcia's second, 6-0 vote, Councilmember Goodman off the dais.